

REMARKS**Restriction/Withdrawn Claims**

Claims 15-21 were withdrawn from consideration due to a previously issued restriction requirement. These claims are now cancelled without prejudice. Applicant reserves the right to pursue any of these claims in one or several divisional or continuation applications.

Objection to the Drawings

An objection to the drawings is presented in the Office Action, because elements “102” and “104” should be --100-- and --102-- in Figure 3 in view of the use of the numerals in the specification. For the sake of simplicity, Applicant has amended the specification in lieu of submitting a replacement drawing sheet. The use of the reference numerals in the specification now matches Figure 3. Accordingly, Applicant requests the Examiner to withdraw the objection to the drawings.

Claim Objections

Claims 12 and 20 are objected to in the present Office Action for respective informalities. These claims are now cancelled without prejudice. Accordingly, the objections are now moot.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 2-4, 7, and 9 are rejected under 35 U.S.C. § 112, second paragraph.

In regard to claims 2, 3, and 9, these claims are cancelled without prejudice and, hence, their rejection is now moot.

Applicant believes that claim 4 was rejected due to an improper dependence. Due to the cancellation of claims 2 and 3, claim 4 has been amended to depend from claim 1. Applicant respectfully submits that claim 4 satisfies all requirements of 35 U.S.C. § 112, second paragraph.

In regard to claim 7, the Office Action noted that claim 7 only recited that the conductor is conformal “within” the expansion section but did not recite “what” the conductor is conformal to. Applicant has amended claim 7 and respectfully submits that claim 7 satisfies all requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections and Claim Amendments

Claims 1 and 5-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,238,007 (“Giele”).

Claims 2-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Giele, or in the alternative, as being unpatentable over Giele.

Claims 22-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Giele in view of U.S. Patent No. 6,081,747 (“Levine”).

Claims 2, 3, 8, 9, 11-21, and 26 are cancelled without prejudice. Applicant reserves the right to pursue any of the claims in one or several divisional and/or continuation applications.

Applicant has amended claims 1, 4, 5, 6, 7, and 22. Applicant has also added new claims 27-35. The amendments are supported by the original application and, hence, no new matter has been added.

As amended, claims 1 and 22 recite:

a plurality of expansion sections longitudinally disposed along the lead body between the plurality of connectors and the plurality of electrodes, wherein an amount of slack for each conductor is contained with each expansion section of the plurality of expansion sections;

wherein the lead body and the conductors possess physical characteristics such that, upon application of a stretching force to the lead body, a diameter of the lead body in one or several expansion sections is reduced and the slack for each conductor in one or several expansion sections is at least partially taken up so as to allow the distance between the plurality of connectors and plurality of electrodes to be increased.

New claim 28 recites:

a plurality of expansion sections longitudinally disposed along the lead body between the distal and proximal ends, wherein an amount of slack for each conductor is contained with each expansion section of the plurality of expansion sections;
wherein the lead body and the conductors possess physical characteristics such that, upon application of a stretching force to the lead body, a diameter of the lead body in one or several expansion sections is reduced and the slack for each conductor in one or several expansion sections is at least partially taken up so as to allow the distance between the plurality of electrodes and the proximal end to be increased.

Giele is merely directed to a pacing lead for a pacemaker system that includes “folded tine elements 37.” The folded tine elements can be unfolded to facilitate to withdrawal of the tine elements from cardiac tissue (e.g., for repositioning). In the Office Action, the folded tine elements 37 of Giele are asserted to satisfy the “expansion section” element. Office Action, page 5.

Applicant respectfully submits that tine elements 37 of Giele do not meet the recited limitations of claims 1 and 22. First, Applicant notes that there must be “an amount of slack” for each conductor of a plurality of conductors within each expansion section. There is no such disclosure in Giele. Specifically, there is only one “coil 33” described in Giele and the coil 33 of Giele is not described as being contained within tine elements 37. Instead, coil 33 is entirely contained within tubing 30. *See* FIGURE 1 of Giele. Additionally, claims 1 and 22 require a plurality of expansion sections disposed longitudinally along the lead body. Tine elements 37 in Giele are merely disposed radially around the lead at the distal end of the lead and, hence, further do not meet the recited claim language.

Levine is merely relied upon in the Office Action to show a pulse generator. Levine merely depicts conventional leads and, hence, do not teach or suggest each and every limitations of claims 1, 22, and 28.

Therefore, the applied references (either alone or in combination) do not teach or suggest each and every limitation of claims 1, 22, and 28. Applicant respectfully submits that claims 1, 22, and 28 are patentable over the applied references. All other claims are likewise patentable due to their dependency from claims 1, 22, and 28 in addition to the novel and nonobvious limitations explicitly recited in the dependent claims.

Conclusion

Applicant respectfully submits that the application is in condition for allowance and requests the Examiner to pass the application to issue. If the Examiner believes that a telephone call would be helpful to resolve any remaining issues, the Examiner is invited to call Applicant's attorney Christopher S.L. Crawford (Reg. No. 51,586) at (972) 309-8006. Applicant believes no fee is due with this response. However, if any fee is due, please charge Deposit Account No. 06-2380, under Order No. 03-001 from which the undersigned is authorized to draw.

Dated: December 20, 2005

Respectfully submitted,

By R. Ross Viguet
R. Ross Viguet
Reg. No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8185
(214) 855-8200 (fax)